

REMARKS

Claims 1-59 are pending in the application and are subject to requirement for restriction.

Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

- I) Claims 6-8, allegedly drawn to a part region, classified in class 427, subclass 2.3.
- II) Claims 12, 13, 16, 24-26, allegedly drawn to antibacterial, antiviral, germicidal, spermicidal or protective, classified in class 424, subclass 404.
- III) Claims 14, 15 and 55, allegedly drawn to vitamins and plant extracts, classified in class 424, subclass 402.
- IV) Claim 17, allegedly drawn to pressure sensitive shell, classified in class 424, subclass 402;
- V) Claims 21-23, allegedly drawn to recesses, classified in class 424, subclass 402.
- VI) Claims 27 and 28, allegedly drawn to raised areas, classified in class 424, subclass 402.
- VII) Claims 35 and 36, allegedly drawn to a method wherein the liquid is removed, classified in class 424, subclass 402.
- VIII) Claims 37 and 38, drawn to a method wherein a shell is used, classified in class 424, subclass 402.
- IX) Claims 39, 40 and 43, drawn to a method wherein an antibacterial, antiviral, germicidal, spermicidal or protective is used, classified in class 424, subclass 404.

- X) Claims 41 and 42, drawn to a method wherein a vitamin or plant extract is used, classified in class 514, subclass 65;
- XI) Claims 47, 48, 51 and 52, drawn to a method wherein recesses are produced, classified in class 424, subclass 402.

Claims 1-5, 9-11, 18-20, 53 and 54 link inventions of Group I to Group VI. Furthermore, claims 29-34, 44-46, 49, 50, and 56-59 link the inventions of Group VII to Group XI.

Election

In order to be responsive to the requirement for restriction, Applicant elects the invention set forth in Group III, claims 14, 15 and 55, with *traverse*. Applicant understands that linking claims 1-5, 9-11, 18-20, 53 and 54 will be examined with the elected group.

Traverse

Notwithstanding the election of the claims of Group III in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

The Examiner has stated the restriction is proper because all of the inventions listed are independent or distinct. The Examiner also indicates that restriction has been required between product and process claims. However, the Examiner has not set forth any reasons *why* the restricted groups are independent or distinct. The Examiner then asserts that because the inventions are allegedly independent and distinct, there would be a serious burden if the restriction were not required.

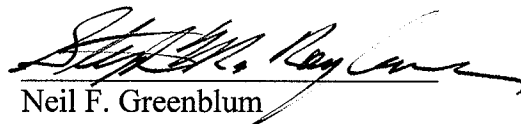
It would appear that the search for the inventions identified by the Examiner would be coextensive, or at least, significantly overlap. That is, if the Examiner were to perform a search

for the invention of Group III, there would not appear to be a serious burden in continuing the examination of at least Group X. For this reason, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction, especially with regard to Group X.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application, for which Applicants have timely paid appropriate claim fees.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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September 11, 2007
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